

RICHARD W. KUHLING
WSBA NO. 07927

HONORABLE LONNY R. SUKO

PAINE HAMBLÉN LLP
717 West Sprague Avenue, Suite 1200
Spokane, Washington 99201-3505
Telephone: (509) 455-6000
Facsimile: (509) 838-0007

Joel D. Bush, II (admitted *pro hac vice*)
James A. Trigg (admitted *pro hac vice*)
W. Andrew Pequignot (admitted *pro hac vice*)
KILPATRICK TOWNSEND & STOCKTON LLP
1100 Peachtree Street N.E., Suite 2800
Atlanta, Georgia 30309-4530
Phone: (404) 815-6500
Fax: (404) 815-6555

Attorneys for Plaintiff MedAssets Net Revenue Systems, LLC

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON AT SPOKANE

MEDASSETS NET REVENUE
SYSTEMS, LLC

Plaintiff,

vs.

JAMES KELLY, JASON KELLY, and
BUZZY PLANET, INC.

Defendants.

No. CV-10-5143-LRS

**STIPULATED CONSENT
INJUNCTION**

Come now the parties, through their undersigned counsel, and hereby file
this Stipulated Consent Injunction.

STIPULATED CONSENT INJUNCTION

PAINE HAMBLÉN LLP
717 WEST SPRAGUE AVENUE, SUITE 1200
SPOKANE, WASHINGTON 99201-3505 PHONE (509) 455-6000

1 WHEREAS, on December 17, 2010, MedAssets Net Revenue Systems, LLC
2 (“MedAssets”) filed this action against Defendants James Kelly, Jason Kelly, and
3 Buzzy Planet, Inc. (collectively, “Defendants”) for alleged copyright infringement
4 of its “Global Foundation” software program, which is the subject of Copyright
5 Registration No. TXu 1-695-562;

6 WHEREAS, on September 7, 2011, MedAssets amended its complaint to
7 include a claim against James Kelly and Jason Kelly for alleged breach of
8 MedAssets’ Employee Handbook and Standards of Business Conduct; and

9 WHEREAS, without any admission of liability, fault, or wrongdoing, the
10 parties have amicably resolved this lawsuit and have mutually consented to the
11 entry of a stipulated injunction against Defendants.

12 NOW THEREFORE, based upon the parties’ stipulation and agreement
13 hereto, it is hereby ORDERED, ADJUDGED, and DECREED that:

14 1. Defendants are permanently restrained and enjoined from:

15 (a) knowingly copying, distributing, or displaying, or preparing
16 derivative works based upon, Global Foundation or any other source code in which
17 MedAssets owns copyright; and

18 (b) knowingly encouraging or approving any of the foregoing.

19 2. Defendants acknowledge, and agree not to contest, the validity of the
20 copyright in Global Foundation and MedAssets’ sole ownership thereof.

1 3. Nothing in this Stipulated Consent Injunction shall be construed as an
2 admission of liability or wrongdoing by Defendants and the parties hereby agree
3 that the Defendants specifically deny any copyright infringement of Global
4 Foundation, any breach of MedAssets' Employee Handbook and Standards of
5 Business Conduct, and any other wrongdoing of any kind.

6 4. This Court shall retain jurisdiction for the limited purpose of
7 enforcing this Stipulated Consent Injunction.

8 5. The District Court Executive SHALL CLOSE THIS FILE.
9 SO ORDERED:

DATED this 3rd day of January, 2012.

10 ***s/Lonny R. Suko***

11 _____
The Honorable Lonny R. Suko
United States District Judge

12
13 PAINE HAMBLÉN LLP

14 By: /s/ Richard W. Kuhling

15 Richard W. Kuhling, WSBA #7927
16 717 West Sprague Ave., Suite 1200
17 Spokane, Washington 99201-3505
18 Telephone: (509) 455-6000
19 Facsimile: (509) 838-0007
20 E-mail: richard.kuhling@painehamblen.com

21 KILPATRICK TOWNSEND &
STOCKTON LLP

Joel D. Bush, II (admitted *pro hac vice*)
James A. Trigg (admitted *pro hac vice*)
W. Andrew Pequignot (admitted *pro hac vice*)
1100 Peachtree Street, Suite 2800

Atlanta, Georgia 30309-4528
Telephone: 404-815-6500
Facsimile: 404-815-6555

Attorneys for Plaintiff
MedAssets Net Revenue Systems, LLC

LUKINS & ANNIS, P.S.

By: /s/ Bryce Wilcox

Bryce Wilcox, WSBA #21728
Washington Trust Financial Center
717 West Sprague Avenue, Suite 1600
Spokane, Washington 99201
Telephone: 509-455-9555
Facsimile: 509-747-2323

FREEMAN MATHIS & GARY, LLP
Bradley T. Adler (admitted *pro hac vice*)
David A. Cole (admitted *pro hac vice*)
100 Galleria Parkway
Suite 1600
Atlanta, GA 30339
Telephone: (770) 818-0000
Facimile: (770) 937-9960

TAYLOR ENGLISH DUMA LLP
Jeffrey R. Kuester (admitted *pro hac vice*)
Amanda G. Hyland (admitted *pro hac vice*)
1600 Parkwood Circle, Suite 400
Atlanta, Georgia 30339
Telephone: 770-434-6868
Facsimile: 770-434-7376

*Attorneys for Defendants James Kelly, Jason
Kelly, and Buzzy Planet, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of December, 2011, I electronically filed the foregoing **STIPULATED CONSENT INJUNCTION** with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Bryce Wilcox (bwilcox@lukins.com, afullerton@lukins.com)

Jeffrey R. Kuester (jkuester@taylorenghish.com, jeff@kuesterlaw.com)

Amanda G. Hyland (ahyland@taylorenghish.com,
awhite@taylorenghish.com)

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

None.

/s/ Richard W. Kuhling

Richard W. Kuhling, WSBA #7927
717 West Sprague Ave., Suite 1200
Spokane, Washington 99201-3505
Telephone: (509) 455-6000
Facsimile: (509) 838-0007
E-mail: richard.kuhling@paineamblen.com

Attorneys for Plaintiff
MedAssets Net Revenue Systems, LLC